

### REMARKS

In a final Office Action dated January 26, 2005, the Examiner rejected claims 1-21 under 35 U.S.C. §103(a) as being unpatentable over Bender (U.S. patent no. 6,366,779) in view of Willeneger (PCT International Publication No. WO 00/57663). The rejections are traversed and reconsideration is hereby respectfully requested.

The Examiner rejected claims 1-21 under 35 U.S.C. §103(a) as being unpatentable over Bender in view of Willeneger. More specifically, with respect to claims 1, 8, and 15, the Examiner contended that Bender teaches a method, apparatus, and device for allocating a communication resource comprising a reverse link channel (col. 4, lines 14-18), the method comprising receiving a communication resource access request at time that data received via the reverse link channel is currently being demodulated (col. 10, lines 3-16; the Examiner noting that this step is not actually taught but it is inherent that demodulation is occurring when the channel is being used by the mobile station (MS) while the base station (BS) is receiving an access probe) and, in response to receiving the communication resource access request, transmitting a grant of access to the reverse link channel (col. 10, lines 28-33). The Examiner further stated that Bender does not teach a reverse link traffic channel request in detail, but that Willeneger teaches a reverse link traffic channel being demodulated while receiving a reverse link traffic channel request and a grant of access to a reverse link traffic channel (page 11, lines 22-24; page 12, lines 17-22).

The applicants believe that the Examiner has misinterpreted both Bender and Willeneger. In col. 4, lines 14-18, Bender merely teaches an MS initiating a reverse link traffic channel assignment request by transmitting an access probe to a BS via a reverse link access channel. In col. 10, lines 3-16, Bender merely teaches that, after transmitting its probe, the MS may begin transmitting on a reverse link traffic channel identified the MS's Mobile Station Identifier (MSI) without first waiting for a traffic channel assignment. This reverse link traffic channel is defined by the MS's MSI. Since the MSI is unique to the MS, Bender assumes that the corresponding reverse link traffic channel will be uniquely allocated to the MS and therefore there is very little likelihood that any other MS will be using this reverse link traffic channel and cause a collision. In other

words, Bender teaches a "pre-assignment" of a reverse link traffic channel uniquely to the MS (col. 4, lines 56-61). This has nothing to do with an assignment of the reverse link traffic channel by the BS in response to an access probe. That is, claims 1, 8, and 15 teach an expedited assignment of a reverse link traffic channel; by contrast Bender teaches a pre-assignment of a reverse link traffic channel. These are two completely different approaches to call set up.

Willeneger is concerned with accessing an access channel and power control via the access channel. That is, Willeneger teaches a splitting of an access request into two parts, a request portion and a message portion. An MS seeking access to a communication system first transmits the request portion via a reverse link control channel (R-CCCH). In the section of Willeneger cited by the Examiner (page 11, lines 22-24), in response to transmitting the request, the MS monitors a forward link control channel to determine if the MS is granted a reserved *access channel* for conveyance of the message portion of the access request. That is, the referenced channel assignment message concerns assignment of an access channel, not a traffic channel. In fact, Willeneger specifically states that "[o]nce the mobile station is assigned a reserved access channel, the traffic channel assignment process can proceed in much the same manner as IS-95," that is, in a conventional manner. In the other section of Willeneger cited by the Examiner (page 12, lines 17-22), Willeneger merely teaches that, after the BS grants an access channel to the MS and receives the message portion of the access request, the BS demodulates the message portion.

In other words, Willeneger merely concerns an MS attempting to access an access channel, so that the MS may then engage in power control via preambles transmitted via the access channel. Willeneger then assumes conventional traffic channel assignment. By contrast, claims 1, 8, and 15 assume that the MS can access the access channel and transmit a preamble and instead teach an expedited process for reverse link traffic channel assignment. Nowhere is this taught by, or even a concern of, Willeneger.

Therefore, neither Bender nor Willeneger, individually or in combination, teach the features of claims 1, 8, or 15 of receiving a communication resource access request at a time that data received via the reverse link traffic channel is currently being

demodulated and, in response to receiving the communication resource access request, transmitting a grant of access to the reverse link traffic channel. Again, in Bender, the reverse link traffic channel is freed up as it has been uniquely pre-assigned to the MS. Willeneger merely teaches conventional reverse link traffic channel assignment. Accordingly, the applicants respectfully request that claims 1, 8, and 15 may now be passed to allowance.

Since claims 2-7 and 22 depend upon allowable claim 1, claims 9-14 and 23 depend upon allowable claim 8, and claims 16-21 and 24 depend upon allowable claim 15, the applicants respectfully request that claims 2-7, 9-14, 16-21, and 22-24 may now be passed to allowance.

As the applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Respectfully submitted,

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